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Attorneys for Defendant
Allegiant Air, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Case No. 2:20-cv-01444-GMN-BNW

COLLIN COFFMAN,

Plaintiff,

v.

ALLEGIANT AIR, LLC,

Defendant.

**DEFENDANT'S REQUEST FOR
EXCEPTION FROM ATTENDANCE
AT EARLY NEUTRAL EVALUATION**

Defendant ALLEGIANT AIR, LLC (“Allegiant Air” or “Defendant”), by and through its counsel Jackson Lewis P.C., respectfully requests an exception to the early neutral evaluation (“ENE”) attendance requirements. Specifically, Defendant requests that Defendant’s insurance carrier be excused from attending the ENE. Should the Court require, the carrier representative can be available by telephone.

This request for exception is based on the fact that, although Defendant’s employment practices liability is insured with Nationwide, Defendant has a substantial, six-figure self-insured

1 retention and any resolution of this matter at the ENE will be funded solely by Defendant. Plaintiffs
 2 Jeremy Coffman and William Adams are claiming \$35,000 and \$30,000, respectively, in lost wages
 3 and benefits, unspecified compensatory damages, and reinstatement to their former positions with
 4 Allegiant Air. *See* Plaintiffs' Initial Disclosure Statement, pp. 5-6. a true and correct copy of the
 5 relevant portion is attached hereto as **Exhibit 1**. Plaintiffs Jeremy Adams, Earnest Bowne, Eddie
 6 Muriel and Matthew Schoen are not claiming any monetary damages and seek only injunctive relief.
 7 *Id.*

8 Given the nature of the allegations against Allegiant Air and Plaintiffs' Computation of
 9 Damages, it and Nationwide both agree that this matter can be resolved within Defendant's retention
 10 given that the settlement value of this case is well within the amount of Defendant's retention. The
 11 insurance representative's absence will not adversely affect the ENE, and those present will have
 12 the appropriate settlement authority to reach a reasonable resolution at the ENE.

13 Based on the foregoing, Defendant respectfully requests Defendant's carrier be excused from
 14 attending the ENE currently scheduled for January 8, 2021, at 10:00 a.m., or as thereafter
 15 rescheduled. Should the Court require, the carrier representative will be available telephonically.

16 DATED this 23rd day of December, 2020.

17 JACKSON LEWIS P.C.

18 /s/ Joshua A. Sliker

19 JOSHUA A. SLIKER, ESQ.

20 Nevada Bar No. 12493

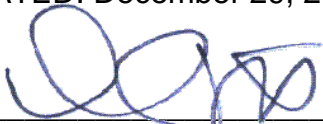
21 300 S. Fourth Street, Suite 900

22 Las Vegas, Nevada 89101

23 *Attorneys for Defendant*
 24 *Allegiant Air, LLC*

25 **IT IS SO ORDERED.**

26 DATED: December 29, 2020

27 

28 DANIEL J. ALBREGTS

UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

EXHIBIT 1

**Relevant Portions of Plaintiffs' Initial
Disclosure Statement**

EXHIBIT 1

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COLLIN COFFMAN, et al.

Plaintiffs,

vs.

ALLEGIANT AIR, LLC, a domestic limited
liability company,

Defendant.

CASE NO: 2:20-cv-00224-GMN-BNW

**PLAINTIFFS INITIAL DISCLOSURE
STATEMENT**

Plaintiffs, by and through their attorneys of record, Nathan R. Ring of Novara Tesija & Catenacci and Nicolas Manicone, Esq., do hereby make their initial disclosures in the above-captioned case pursuant to Rule 26 of the Federal Rules of Civil Procedure and pursuant to United States District Court for the District of Nevada Local Rule 26-1, as follows:

Witnesses [FRCP 26(A)(1)(A)]

The following witnesses are presently known to have knowledge of facts concerning the material allegations of the Plaintiffs' Complaint filed herein and the Defendants' defenses thereof:

- a. Collin Coffman, plaintiff, may be contacted through undersigned counsel for Plaintiffs. Witness is believed to have information pertaining to his participation in the International Brotherhood of Teamsters' (IBT) organizing campaign to represent Allegiant mechanics;

- a. December 2017 IBT flyer including names of Allegiant employed mechanics in support of the IBT organizing drive.
- b. Letter from Allegiant to Plaintiff Collin Coffman informing him of his rights to elect health benefits under COBRA.
- c. Paystubs demonstrating Mr. Coffman's wages while employed at Allegiant, documents showing Mr. Coffman's expenses incurred as result of his having lost Allegiant health insurance benefits, and additional documents demonstrating Mr. Coffman's income since his unlawful discharge by Allegiant.
- d. Mr. William Adams' statement to Arizona Department of Economic Security regarding his unemployment claim.
- e. Paystubs demonstrating Mr. William Adams' wages while employer at Allegiant, documents showing Mr. Adams' expenses incurred as a result of his having lost his Allegiant health insurance benefits, and additional documents demonstrating Mr. Adams' income since his unlawful discharge by Allegiant.
- f. August 14, 2020 petition from Plaintiffs Jeremy Adams and Earnest Bowen and others directed to Allegiant management regarding Allegiant's practice of harassment and bullying of employees.

All of these documents are known to be in the possession of the Plaintiffs in this matter and can be made available to Defendant upon discovery request. Some of the documents, to include paystubs and the petition to Allegiant management are also believed to be in the possession of Allegiant. Plaintiffs have not yet completed their investigation or discovery in this Action, and it is anticipated there will be additional documents discovered that are relevant to this Action. Plaintiffs will provide information concerning these additional documents and their location as soon as they are known to Plaintiffs.

Computation Of Damages Pursuant to FRCP 26(A)(1)(A)(iii)

Plaintiffs' claims and computation of damages against Defendant are as follows:

- a. Mr. Collin Coffman has lost approximately \$35,000 in wages and benefits, as well as other currently unquantifiable compensatory damages, due to Allegiant's unlawful actions taken against him. Mr. Coffman also seeks an order reinstating him to his former position with Allegiant.
- b. Mr. William Adams has lost approximately \$30,000 in wages and benefits, as well as other currently unquantifiable compensatory damages, due to Allegiant's unlawful actions against him. Mr. Adams also seeks an order reinstating him to his former position with Allegiant.
- c. The remaining plaintiffs – Mr. Jeremy Adams, Mr. Bowen, Mr. Muriel and Mr. Schoen – are not alleging they suffered loss of pay or benefits, or other quantifiable costs, at this time. However, they seek relief from this Court in the form of an order requiring Allegiant to stop its violations of the Railway Labor Act and retaliatory actions against each of them.

Plaintiffs, Collin Coffman's and William Adams', damages are ongoing and increase with each passing day to include lost wages and benefits, opportunities, and prejudgment interest.

Any Insurance Agreement Under Which An Insurance Business May Be Liable To Satisfy All Or Part Of A Possible Judgment In The Action Or To Indemnify Or Reimburse For Payments Made To Satisfy The Judgment [FRCP 26(A)(1)(A)(iv)]

Plaintiffs are unaware of any insurance policy of any party that would be liable to satisfy all or part of a judgment in this action or to reimburse Defendant for payments made to satisfy such a judgment.

Dated: December 11, 2020

NOVARA TESIJA & CATENACCI, PLLC

/s/ Nathan Ring

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Dated: December 11, 2020

/s/ Nicolas Manicone

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